

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3736 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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BATLIBOI & CO LTD.

Versus

UNION OF INDIA

Appearance:

MR PARESH M DAVE for Petitioners
MR JAYANT PATEL for Respondent No. 1

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 08/05/98

ORAL JUDGEMENT (Per : Balakrishnan,J.)

Rule. Mr. Jayant Patel, learned Standing Counsel waives service thereon behalf of the respondents.

The petitioners have filed an appeal before the 2nd respondent against the order passed by the 3rd respondent. The petitioners have also moved an application for stay of the impugned order. The stay application is not finally disposed of. The petitioners contend that during the pendency of these proceedings, the authorities are taking coercive steps to realise the amount due.

We heard the learned Counsel for the petitioners and the learned Standing Counsel for the respondents.

A reference was made to the order passed by this

Court in SCAs no.21/97 & 22/97 and also to a decision in DCW Ltd. vs. Commissioner (Appeals) & Ors. reported in 1997(2) GLR 913. In the above decision, this Court directed the respondent authority to dispose of the stay application within a prescribed time.

Having regard to the facts and circumstances of the case, we direct respondent no.2 to consider the stay application and pass appropriate orders preferably within six weeks from the date of receipt of copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The application is disposed of accordingly. Rule is discharged subject to above directions. No order as to costs.

D.S.Permitted.

(K.G.Balakrishnan,J.)

(J.M.Panchal, J.)